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GENERAL CIRCULAR NUMBER 2013-022

DATE: **June 13, 2013**

TO: **Heads of State Agencies and Human Resources Directors**

SUBJECT: **Approved changes to Civil Service Rules 1.39.2, 4.1, 5.5, 5.6, 5.6.1, 5.9, 6.5, 6.12.1, 11.5, 17.14, 17.18, 17.20, 17.25, 22.1, 22.3, 23.5, 23.6; the repeal of Civil Service Rules 1.11.1 and 1.38.1; and the adoption of Civil Service Rule 1.40.03.**

At its General Business meeting held on Wednesday, June 5, 2013, the State Civil Service Commission adopted proposed amendments to Civil Service Rules 1.39.2, 4.1, 5.5, 5.6, 5.6.1, 5.9, 6.5, 6.12.1, 11.5, 17.14, 17.18, 17.20, 17.25, 22.1, 22.3, 23.5 and 23.6. It repealed Civil Service Rules 1.11.1 and 1.38.1 and adopted Civil Service Rule 1.40.03.

Effective July 1, 2013, these rules will read as attached.

Sincerely,

s/Shannon S. Templett
Director

Chapter One Changes

1.11.1 Repealed effective July 1, 2013.

1.38.1 Repealed effective July 1, 2013.

1.39.2 ‘**State Service**’ for the purposes of layoff and layoff avoidance measures, means the total length of Classified State Service in the equivalent full-time years, months and days as an employee of a state agency or agencies subject to the following:

(a) Periods of time not counted as Classified State Service under this definition for the purposes of layoff and layoff avoidance shall be:

4. Classified State Service obtained after January 1, 1983, on a restricted or provisional appointment if such an appointment was not converted to a probational or job appointment **by July 1, 2013.**

1.40.03 ‘**Temporary**’ a non-permanent appointment for a limited duration of time.

Chapter Four Changes

Rule 4.1 Classified and Unclassified Positions

4.1(d)1. The Director, upon submission by an employing agency of written justification deemed adequate by him, may add to the unclassified service positions involving duty assignments which are of a temporary nature.

4.1(e) The Commission adds to the unclassified service the positions of all persons rendering personal service to the State, or any agency thereof, pursuant to a contract for such services after review by the Director in accordance with Rule 3.1(o).

Chapter Five Changes

Rule 5.5 Force and Effect of Job Specifications

The classification plan consists of the specifications for all jobs officially created and shall have the following force and effect:

(b) The allocation of a position to a job and the assignment of a job to a pay grade is based on the analysis of duties and responsibilities reported on the official position description by the appointing authority.

Rule 5.6 Status of Incumbent When Position is Reallocated

(c) Repealed July 1, 2013.

Rule 5.6.1 Effect of Business Reorganization on Encumbered Positions

(a) When an appointing authority determines it is necessary to restructure an organization to more effectively or efficiently carry out its mission, and this restructuring has the potential to change the allocation of a permanent classified employee to a job title in a pay grade with a lower maximum, he shall submit a plan to the Director outlining his rational business reason for the proposed change and the impact of the change on the incumbent(s) of the affected position(s). This rule shall not apply if the restructuring proposes a reduction in the number of employees in the organization. Such reductions in force shall be conducted in accordance with Chapter 17, Layoffs and Layoff Avoidance Measures.

(b) Position allocations that change as a result of the business reorganization may be effected through reallocation, job correction or the creation of a new position as determined by the Director. Occupied positions shall be reallocated down only in accordance with parts (d), (e) and (f) of these rules.

(c) The business reorganization plan shall be submitted to the Director prior to the proposed effective date. The plan shall include, but not necessarily be limited to, the following documents:

1. proposal outlining the rational business reasons resulting in the reallocation(s) down;
2. position descriptions (SF-3s) for all affected positions;
3. current and proposed organizational charts.

(e) Approval of Business Reorganization Plans

The Director may:

1. approve the plan;
2. disapprove the plan;
3. grant interim approval of the plan pending ratification of the Commission at its next regularly scheduled meeting
4. refer the plan directly to the Commission for consideration at its next regularly scheduled meeting;
5. require the agency to implement a layoff in accordance with Chapter 17.

(f) Pay of employees affected by reallocation down shall be red-circled in accordance with Rule 6.15.

(g) Employees whose positions are moved into a lower job classification as a result of the business reorganization shall be eligible to be placed on a Department Preferred Reemployment List (DPRL). Employees on such a list shall be given preferential hiring rights for their department or agency for the job which they occupied prior to the implementation of the business reorganization. Employees shall be ranked in order of length of state service. The employee with the most state service for a given job and parish shall be given the first offer.

1. Eligibility shall be limited to:

(d) employees whose most recent official performance evaluation at the time of the reorganization was “exceptional”, “successful” or their equivalents; and

3. Exceptions to Hiring from the List:

If there is a DPRL, the employee who is first on the list shall be hired first for positions in his career field except when a position is filled by:

Rule 5.9 Dual Career Ladder Classification Program

Subject to the provisions of Rule 6.29, an appointing authority may participate in a dual career ladder program for selected job series by submitting an agency policy requesting the establishment of a job or jobs to provide a mechanism to implement a dual career ladder program. The agency policy must be approved by the Civil Service Commission prior to implementation. All such programs must comply with the following requirements:

(b) Such a program shall be implemented in accordance with written policies and procedures approved by the State Civil Service Commission.

1. Repealed July 1, 2013.
2. Repealed July 1, 2013.
3. Repealed July 1, 2013.
4. Repealed July 1, 2013.
5. Repealed July 1, 2013.

Chapter Six Changes

Rule 6.5 Hiring Rate

Pay upon employment shall be at the minimum of the range established for the grade of the job to which the position is allocated except:

(a) The pay of a probational, or job appointee shall not be reduced when the employee is earning more than the minimum for the job he occupies, and is then probationally appointed to a position

in the same job, or a different job with the same maximum rate of pay, in the same department without a break in service.

(d) Classified When Actually Employed (WAE) Appointment

When an appointing authority makes a classified WAE appointment, he may set the pay of the employee at any rate in the range.

Rule 6.12.1 Compensation for Holidays

Employees shall be eligible for compensation on holidays observed except:

(b) When the employee is on classified WAE appointment;

Chapter Eleven Changes

Rule 11.5 Earning of Annual and Sick Leave

(a) Annual and sick leave shall be earned by each full-time and each part-time employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on classified WAE appointment or while using leave from an agency leave pool as defined in Rule 11.34.

Chapter Seventeen Changes

Rule 17.14 Requirements for the Written Layoff Plan

The layoff plan shall include, but not necessarily be limited to, the following items:

13. Name, job title, beginning and end date of appointment, authorizing rule number and pay of all unclassified and classified temporary, non-permanent appointees in the affected organizational unit, and how these positions will be affected by the layoff.

Rule 17.18 Relocation Provisions

(l) The agency may end job and /or classified WAE appointments of employees who occupy temporary positions and may use the position(s) to rehire, without a break in service, a permanent employee who was laid off. The rehired employee may be rehired in job or classified WAE appointment status and shall be placed on the Department Preferred Reemployment List for permanent appointments.

Rule 17.20 Freeze on Appointments to Layoff-Affected Jobs

(b) Exceptions to the freeze that do not require the Director's approval include:

1. reinstatement of an employee as the result of an appeal decision;
2. internal demotion;
3. restoration of a former employee returning from military duty in accordance with Rule 23.15;
4. classified WAE appointments, details to special duty, and use of temporary staffing service employees;
5. Other exceptions to the freeze may be approved in accordance with Rule 17.3.

Rule 17.25 Temporary Appointments from the List

New classified WAE or job appointments shall be offered to the first person on the list. If the person accepts or declines such a temporary appointment, his name shall remain on the list for permanent appointments.

Chapter Twenty-two Changes

Rule 22.1 Methods of Filling Vacancies

Vacancies in the classified service may be filled by probational appointment, job appointment, classified WAE appointment, promotion, demotion, reassignment, position change, transfer, noncompetitive reemployment of a former employee, appointment from a Department Preferred Reemployment list, temporary inter-departmental assignment, or detail to special duty.

Rule 22.3 Public Announcement of Job Vacancies

(b) A vacancy may be filled without public announcement in the circumstances listed below:

1. Appointment from a Department Preferred Reemployment List.

2. Classified WAE appointment.

Chapter Twenty-three Changes

Rule 23.5 Job Appointment

(a) A job appointment is a temporary appointment of an employee to fill a position in the classified service for a limited period of time. An appointing authority may use a job appointment to fill a position for a period not to exceed four years. For rational business reasons, an appointing authority may request a longer term job appointment. The Commission may approve such requests or delegate approval authority to the Director. An appointing authority may terminate a job appointment at any time. This rule is subject to Rules 17.20(b)4 and 17.25 concerning layoff related actions.

Rule 23.6 Classified WAE Appointments

(a) A classified WAE appointment is a temporary appointment of an employee to fill a position in the classified service for a limited period of time and hours in order to address filling the position in a regular manner, or to address an emergency or work overload situation. An appointing authority may use a classified WAE appointment to fill a position when the hours worked do not exceed 1245 hours during a twelve (12) month period. For rational business reasons, an appointing authority may request to exceed 1245 hours during the twelve month period. The Commission may approve such requests or delegate approval authority to the Director. The appointing authority may terminate the classified WAE appointment at any time.

(b) The Director may issue policy standards for the use of classified WAE appointments.

(c) The Commission or Director may, at any time, cancel a classified WAE appointment and/or withdraw an agency's authority to make such appointments.

(d) Classified WAE appointees must meet the minimum qualifications for the job.

(e) This rule is subject to Rules 17.20(b)4 and 17.25 concerning layoff related actions.